

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Sam Robinson

Case No.

H17-0840

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 7, 2017 in the county of Montgomery in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. § 2251(a)

Offense Description

(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct.

This criminal complaint is based on these facts:

See attached Affidavit.

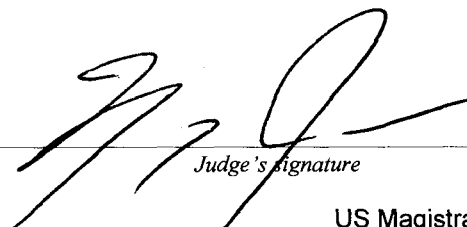
☒ Continued on the attached sheet.


Complainant's signature

Ryan J. Shultz, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 5-26-17City and state: Houston, Texas


Judge's signature

US Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Ryan J. Shultz, being duly sworn, hereby depose and state the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since September 2008. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest and performing other duties imposed by law. During my assignment with the FBI I have participated in the execution of search warrants for documents and other evidence, including computers and electronic media, in cases involving child pornography and the sexual exploitation of children. I have investigated many cases involving child pornography and the sexual exploitation of children. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers were used as the means for receiving, transmitting and storing child pornography as defined in Title 18, United States Code, Section 2256.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached Complaint and therefore contains only a summary of the relevant facts. I have not included each and every fact known by me concerning the individuals and events described herein. The information contained in this affidavit is based on my firsthand knowledge as well as information obtained through witness interviews conducted by me or other Law Enforcement Officers or Special Agents of the FBI and a review of various records.
3. Chaturbate is a webcam site, launched in 2011, which allows amateurs to livestream erotic or pornographic performances over the internet. The site is divided into five categories: female cams, male cams, couple cams, transgender cams and spy shows. "Chaturbate" is a portmanteau of "chat" and "masturbate". The site itself earns revenues by taking roughly 40% of what performers make.
4. Performers on the website, also referred to as "Broadcasters", register as independent performers on the website by sending a picture of themselves as well as a picture of a valid picture identification card. Viewers are allowed to watch Broadcasters for free

(with the exception of Private Shows), but pay money to the Broadcasters in the form of "tips" in order to see certain sex acts performed.

5. On or about April 24, 2017, your affiant received a lead from FBI Miami, including CyberTipline Report #20235806 from the National Center for Missing and Exploited Children (NCMEC). The report was initiated by Multi Media, LLC, aka Chaturbate, and detailed that a viewing Chaturbate member had directed, through online chats, a Chaturbate Broadcaster to perform sexual acts with a female minor on live webcam video stream.
6. According to the details of the report, on April 7, 2017, at approximately 9:01 PM (UTC -7:00), Chaturbate Broadcaster "xxxprettyasianxxx" and Chaturbate member "srsam75" engaged in a private video chat session on the Chaturbate website. A review of the text associated with that video chat revealed that user srsam75 instructed Broadcaster xxxprettyasianxxx to perform several acts to include the following:
 - 9:01 PM - "take her clothes off"
 - 9:02 PM - "your clothes off too"
 - 9:05 PM - "have her eat ur pss"
 - 9:08 PM - "bring man in to fuck you both"
 - 9:08 PM - "eat her asshole"
 - 9:09 PM - "eat her ass"
7. Although the full video of the webcam video chat was not captured, Chaturbate did capture and provide a series of 26 still images taken from that webcam video chat. A review of those 26 still images appear to depict, in summary, a nude adult Asian female engaged in sexual acts with a nude minor Asian female.
8. Your affiant reviewed the images and believes, based on his training and experience, that four of the aforementioned still images are child pornography as defined in Title 18, United States Code, Section 2256. Those four still image files are described as follows:
 - A. Description:** This is a still image file depicting an underage female, estimated to be less than 15 years of age, nude and lying on her back with her legs spread thereby exposing her genitalia to the camera.

B. Description: This is a still image file depicting an underage female, estimated to be less than 15 years of age, who appears to be performing oral sex on the genitalia of an adult female.

C. Description: This is a still image file depicting an underage female, estimated to be less than 15 years of age, nude and lying on her back with her legs spread thereby exposing her genitalia to the camera.

D. Description: This is a still image file depicting an underage female, estimated to be less than 15 years of age, nude and lying on her back with her legs spread. An adult female appears to be digitally penetrating the minor female's vagina.

9. As described above, Chaturbate Broadcasters are required to submit a picture identification card of themselves as a part of the registration process. In this particular instance the Broadcaster, identified as Encarnacion Tapnio, a citizen of the Philippines, provided Chaturbate with a Philippines passport image.
10. Your affiant conducted a visual comparison of the passport photograph provided to Chaturbate by Tapnio and the Asian adult female depicted in the aforementioned 26 still images taken during the Chaturbate webcam video chat. Based on the visual comparison of the images, it appears that the Asian adult female depicted in the above described images of child pornography matches the physical description of Encarnacion Tapnio as portrayed in her Philippines passport.
11. Furthermore, on or about April 13, 2017, Tapnio contacted Chaturbate Support in pursuit of her salary as a Broadcaster. Tapnio was notified that she would not be paid her salary due to her account being terminated for "broadcasting underage material". It was explained that Tapnio's salary had been obtained as a result of illegal conduct and would thereby be forfeited according to Chaturbate policy and donated to NCMEC.
12. Tapnio responded by acknowledging the violation of her actions, apologizing and stating that she would never broadcast a show with underage material again. Tapnio explained that she had only followed the instructions of the viewing member, understood to be Chaturbate user srsam75.
13. Regarding Chaturbate user srsam75, Chaturbate provided login data for April 7, 2017, which indicated the user had logged into the website from IP address 47.221.34.201. The


named IP address was geo-located to the Houston, Texas area. Furthermore, Chaturbate user srsam75 paid for the service with a credit card under the name of Sam Robinson.

14. Your Affiant determined that IP address 47.221.34.201 was registered to the Internet Service Provider (ISP) Suddenlink Communications. On April 24, 2017, your affiant served Suddenlink Communications with administrative subpoena #370811 in pursuit of subscriber information associated with the IP address configuration of 47.221.34.201 on April 7, 2017, at 8:42 PM (UTC -7:00), which was obtained from the IP logs associated with Chaturbate member srsam75.
15. On or about May 3, 2017, Suddenlink Communications responded to the aforementioned administrative subpoena and provided account information for IP address 47.221.34.201 assigned on April 7, 2017, at 8:42 PM (UTC -7:00). The account information provided by Suddenlink Communications identified the registered subscriber as Sam Robinson with High Speed Internet service provided to a residential address in Porter, Texas. An online database check showed that the most recent address for Sam Robinson matched the residential service address provided by Suddenlink Communications.
16. On May 26, 2017, FBI Houston executed a federal search warrant at the aforementioned address in Porter, Texas. Upon the execution of said search warrant, Sam Robinson, hereinafter referred to as "Robinson", was identified and subsequently interviewed by SA Ryan J. Shultz and SA Robert J. Guerra. After being advised of his *Miranda Rights*, Robinson agreed to make a statement.
17. Robinson advised that he was familiar with the Chaturbate website and had frequented the website many times over the past two years for the purposes of watching females perform various sex acts. Robinson acknowledged that the Chaturbate website required the user to log in with a registered username and password; however, Robinson stated he could not recall his specific username. When asked if the username "srsam75" sounded familiar, Robinson advised that he still was not certain, but that the proposed username, srsam75, would make sense because he had a Gmail e-mail account with the same username and the name was a combination of his initials, his first name and his birth year.

18. At the request of your affiant, Robinson reviewed multiple sterilized still images of Tapnio and a minor female, which were derived from the aforementioned Chaturbate snapshots previously described in paragraph 7. After reviewing the provided still images, Robinson denied having ever seen either of the females depicted. However, after being asked to describe the minor female portrayed in those images, Robinson stated that he believed the girl to be approximately 14 to 16 years of age.
19. Shortly thereafter, Robinson was advised by your affiant that the investigation indicated that Chaturbate user srsam75 engaged the two females depicted in those images during an online private Chaturbate video stream and that user srsam75 directed those females to engage in illicit sexual conduct. As a result, Robinson was informed that federal agents would be executing a search warrant at Robinson's residence in Porter, Texas in pursuit of child exploitation material. Robinson denied that investigators would find any child pornography stored on his personal computer devices and stated that he wished to speak with an attorney. The interview of Robinson was immediately terminated.
20. During the course of the search warrant execution, investigators found within Robinson's personal wallet his Texas State driver's license and two credit cards of relevance to the investigation. The first was a credit card ending in 2462 with an expiration date of 11/2020 and the second was a bank card ending in 6385 with an expiration date of 11/2020. A review of the Chaturbate billing records associated with username srsam75 revealed that each Chaturbate invoice was paid with a credit card registered to "Sam Robinson" matching the above described credit card numbers and expiration dates. Additionally, the date of the chat referenced in paragraph 7 was paid for with the credit card belonging to Robinson and ending in 2462.

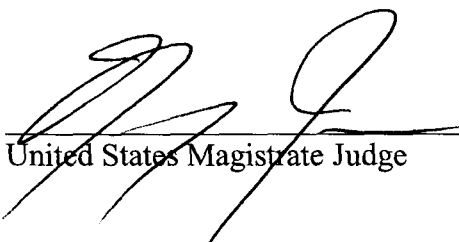
CONCLUSION

21. Based on all information set forth above, your Affiant believes there is probable cause to believe that on or about April 7, 2017, Sam Robinson, was in violation of Title 18 U.S.C. § 2251(a) – the production of child pornography.



Ryan J. Shultz, Special Agent, FBI

Subscribed and sworn before me this 20th day of May 2017.



United States Magistrate Judge